



Public Notice

U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R

Applicant:
Robert Defilippo

Published: APRIL 11, 2012
Expires: MAY 10, 2012

Application No: 2010-00264
Section: Monitoring & Enforcement

All written comments should reference the above Application No. and be addressed to:
Buffalo District U.S. Army Corps of Engineers
Regulatory Branch (Attn: Shaina Souder)
1776 Niagara Street
Buffalo, New York 14207-3199

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Robert Defilippo, 1846 Madison Drive, Moon, PA, 15108, has applied for a Department of the Army (DA) permit to maintain fill associated with two previously installed groins that currently do not have proper DA authorization. The project is located within Lake Erie, at 5855 Shore Drive, in Madison Township, Lake County, Ohio.

Project details are as follows:

1. Maintain a 60 linear foot long by 12 linear foot wide groin located at the western extent of the property which consists of 70 cubic yards of 3-5 ton armor stone below the ordinary high water (OHW) of Lake Erie.
2. Maintain a 30 linear foot long by 6 linear foot wide groin located at the eastern extent of the property, which consists of 16 cubic yards of 3-5 ton armor stone below OHW.
3. Approximately 484 cubic yards of sand were estimated to have been side-cast into Lake Erie during the construction of the groins.

The project affects approximately 110 linear feet of Lake Erie shoreline.

The applicant's stated project purpose is to create a permanent beach along the shoreline of the property.

Location and details of the above-described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Shaina R. Souder, who can be contacted at the above address, by calling (716) 879-4240, or by e-mail at: shaina.r.souder@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. Glen Cobb
Ohio Department of Natural Resources
Environmental Policy Coordinator
Office of Legislative Services
2045 Morse Road, Building D-3
Columbus, Ohio 43229
Phone: (614)265-6888
FAX: (614) 267-4764
glen.cobb@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area. There is no potential to cause effect to any historic properties. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*), Kirtland's warbler (*Dendroica kirtlandii*), piping plover (*Charadrius melodus*), and Snuffbox (*Epioblasma triquetra*) and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions

thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross-examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

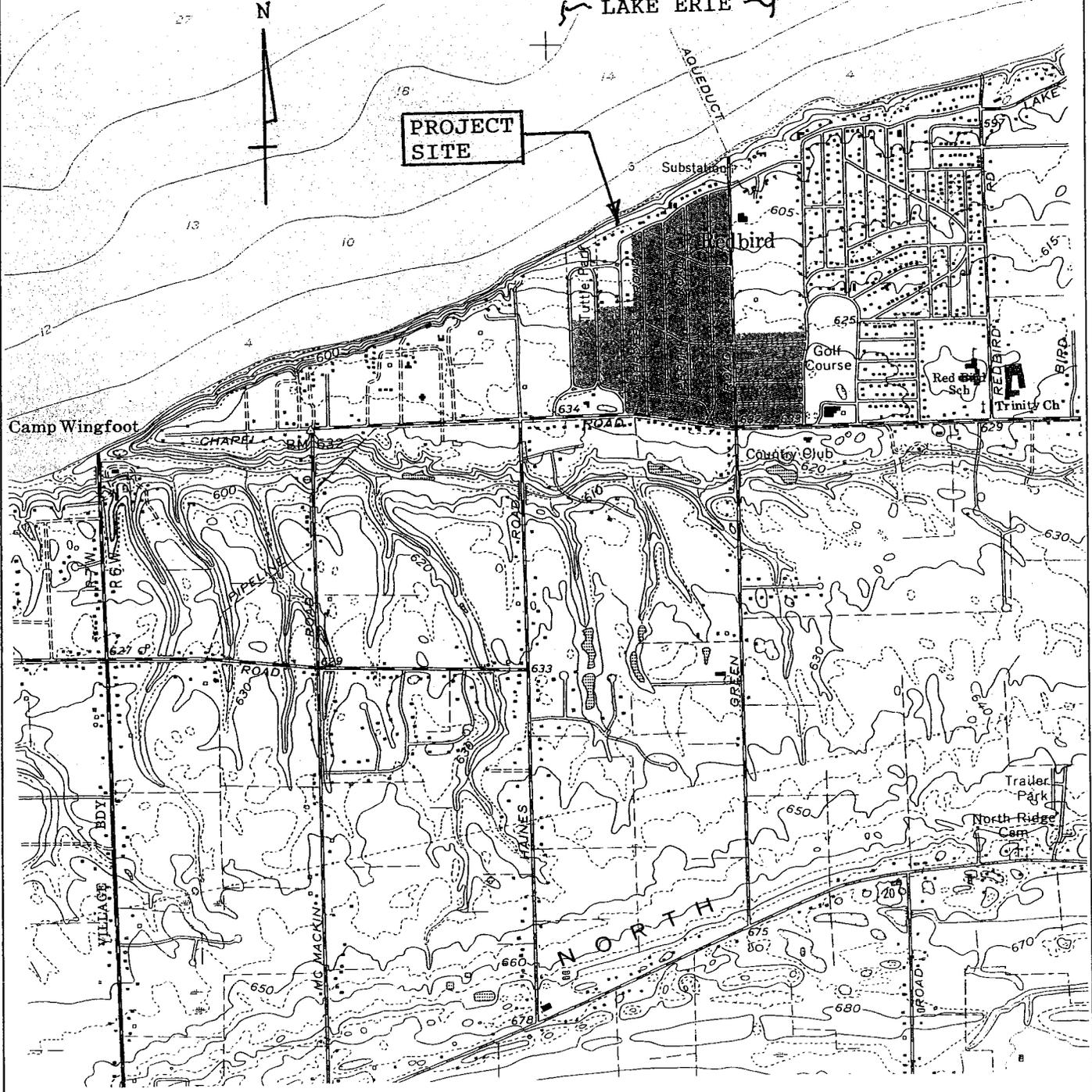
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

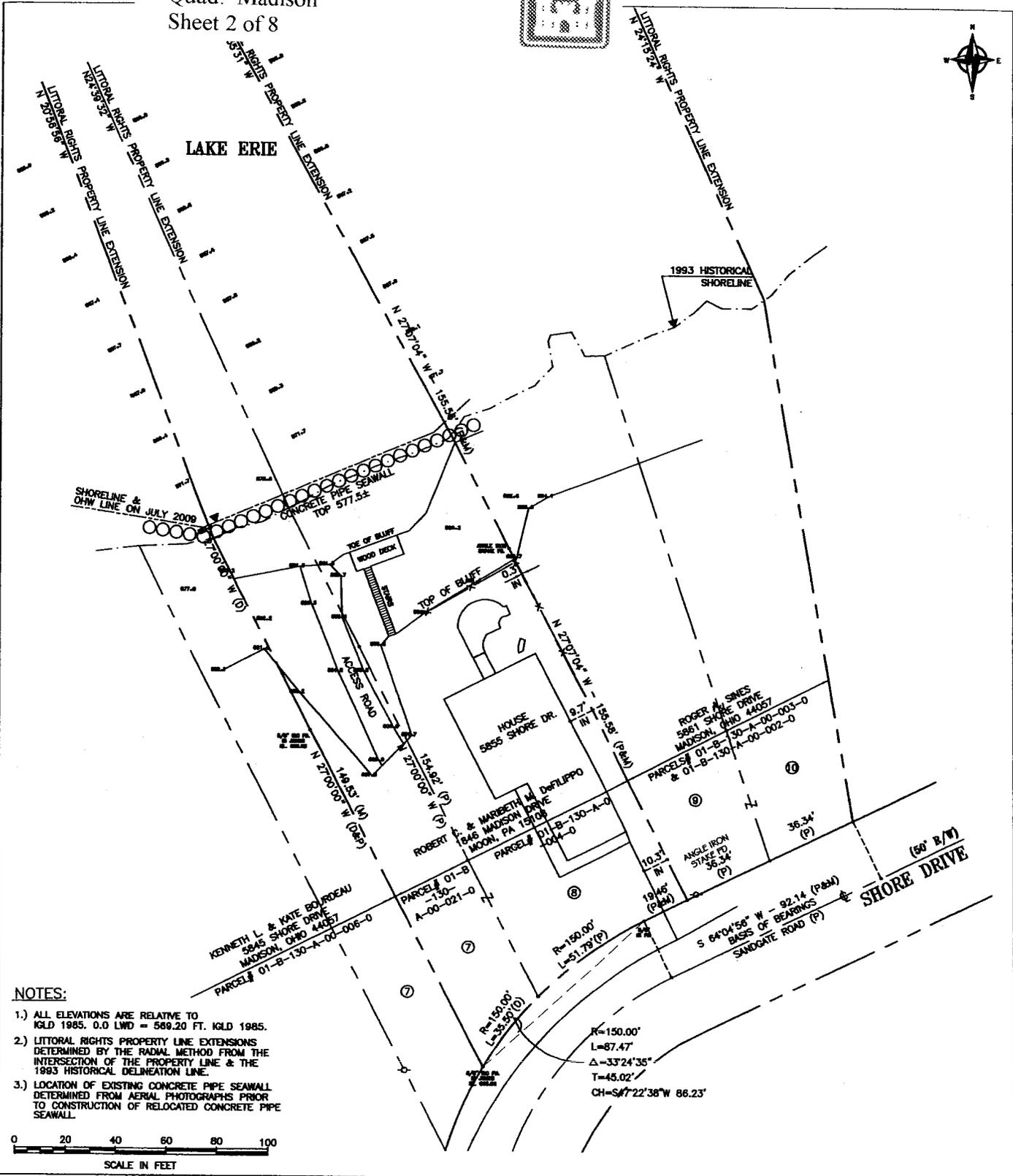
Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

Defilippo, Robert
 D/A Processing No. 2010-00264
 Lake County, Ohio
 Quad: Madison
 Sheet 1 of 8



<p>DATUM: 0.0 L.W.D. = 569.2 FT. IGLD 1985</p>	<p>VICINITY MAP</p>	<p>PREPARED BY: MATRIX ENGINEERING, INC.</p>
<p>ADJACENT PROPERTY OWNERS: 1.) ROGER A. SINES 2.) KENNETH L. & KATE BOURDEAU</p>	<p>ROBERT C. & MARIBETH M. DeFILIPPO 1846 MADISON DRIVE MOON, PA 15108</p>	<p>SHORELINE IMPROVEMENTS AT 5855 SHORE DRIVE MADISON, OHIO</p>
<p>SHEET 1 OF 6</p>		<p>DATE: 12-14-10</p>

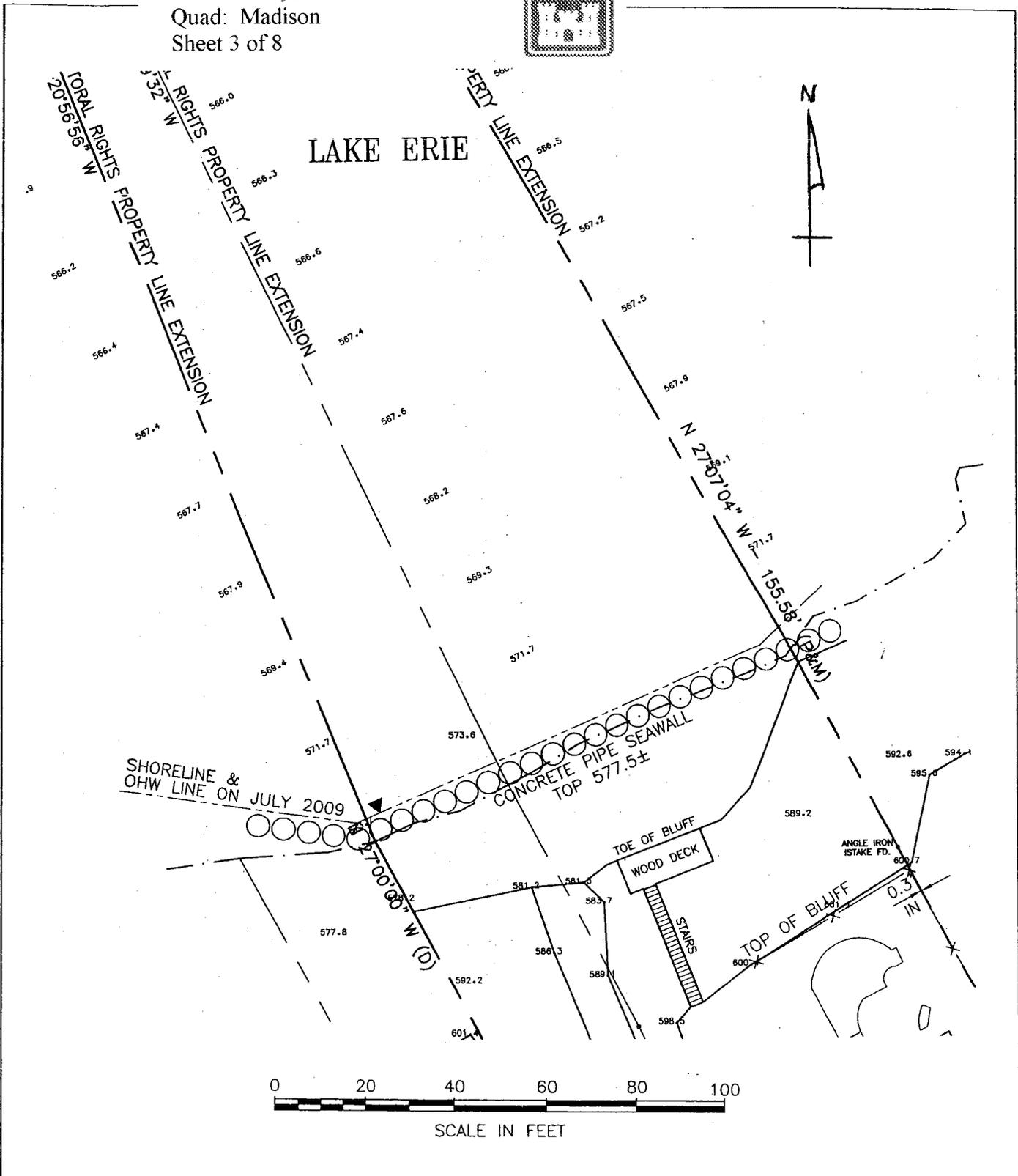


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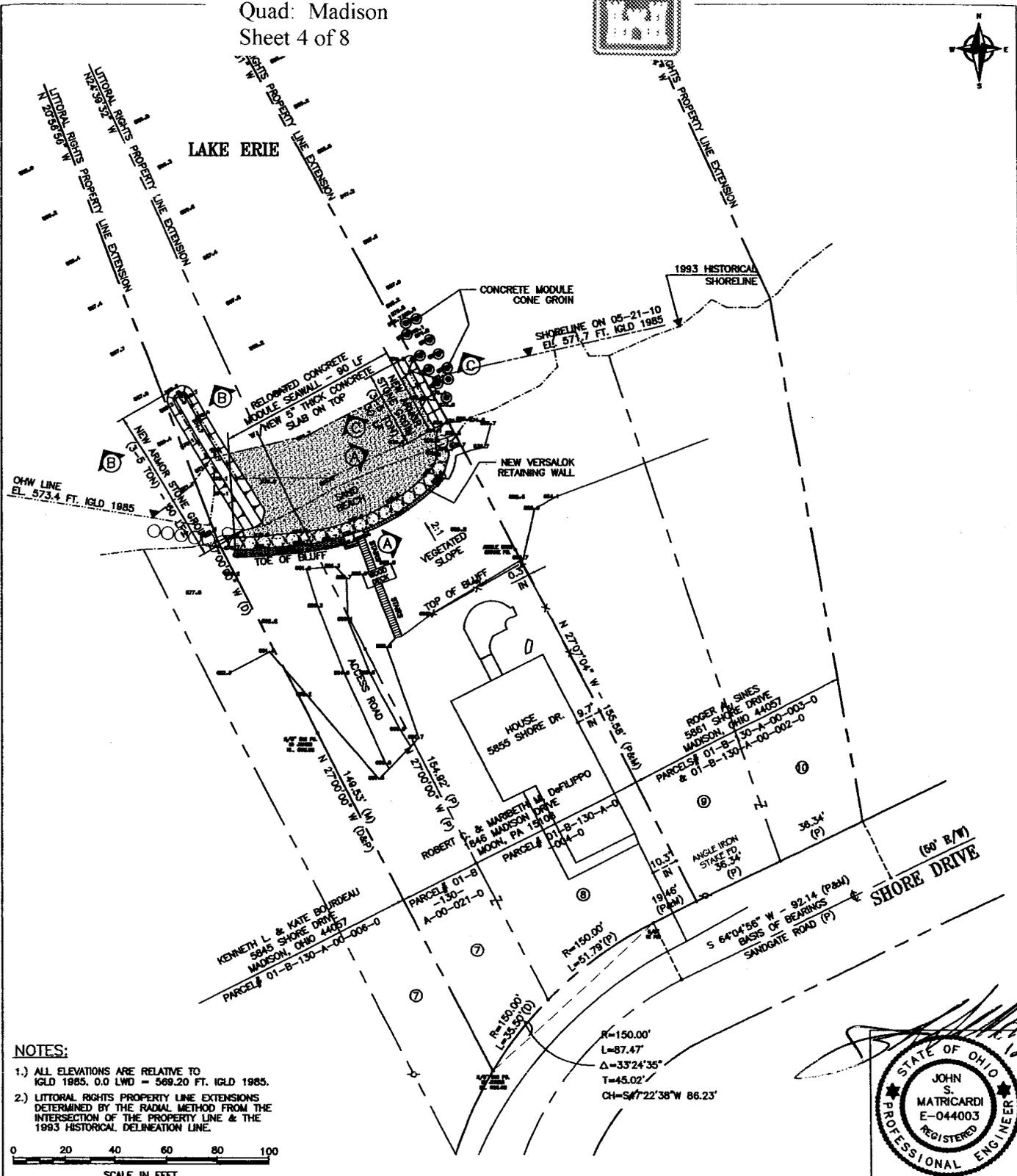
- 1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 L.W.D. = 569.20 FT. IGLD 1985.
- 2.) LITTORAL RIGHTS PROPERTY LINE EXTENSIONS DETERMINED BY THE RADIAL METHOD FROM THE INTERSECTION OF THE PROPERTY LINE & THE 1993 HISTORICAL DELINEATION LINE.
- 3.) LOCATION OF EXISTING CONCRETE PIPE SEAWALL DETERMINED FROM AERIAL PHOTOGRAPHS PRIOR TO CONSTRUCTION OF RELOCATED CONCRETE PIPE SEAWALL.



DATUM: 0.0 L.W.D. = 569.2 FT. IGLD 1985		EXISTING SITE PLAN		PREPARED BY: MATRIX ENGINEERING, INC.
ADJACENT PROPERTY OWNERS: 1.) ROGER A. SINES 2.) KENNETH L. & KATE BOURDEAU		ROBERT C. & MARIBETH M. DeFILIPPO 1846 MADISON DRIVE MOON, PA 15108		SHORELINE IMPROVEMENTS AT 5855 SHORE DRIVE MADISON, OHIO
			SHEET 2 OF 6	DATE: 12-14-10



DATUM: 0.0 L.W.D. = 569.2 FT. IGLD 1985	EXISTING SITE PLAN	PROVIDED BY: MATRIX ENGINEERING, INC.
ADJACENT PROPERTY OWNERS: 1.) ROGER A. SINES 2.) KENNETH L. & KATE BOURDEAU	ROBERT C. & MARIBETH M. DeFILIPPO 1846 MADISON DRIVE MOON, PA 15108	SHORELINE IMPROVEMENTS AT 5855 SHORE DRIVE MADISON, OHIO SHEET 2A OF 6 <small>REVISION DATE</small> 12-14-10



NOTES:

- 1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985, 0.0 LWD = 569.20 FT. IGLD 1985.
- 2.) LITTORAL RIGHTS PROPERTY LINE EXTENSIONS DETERMINED BY THE RADIAL METHOD FROM THE INTERSECTION OF THE PROPERTY LINE & THE 1993 HISTORICAL DELINEATION LINE.



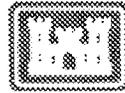
R=150.00'
 L=87.47'
 $\Delta=33^{\circ}24'35''$
 T=45.02'
 CH=S 72°22'38\"/>

Handwritten signature and date: 12/15/10

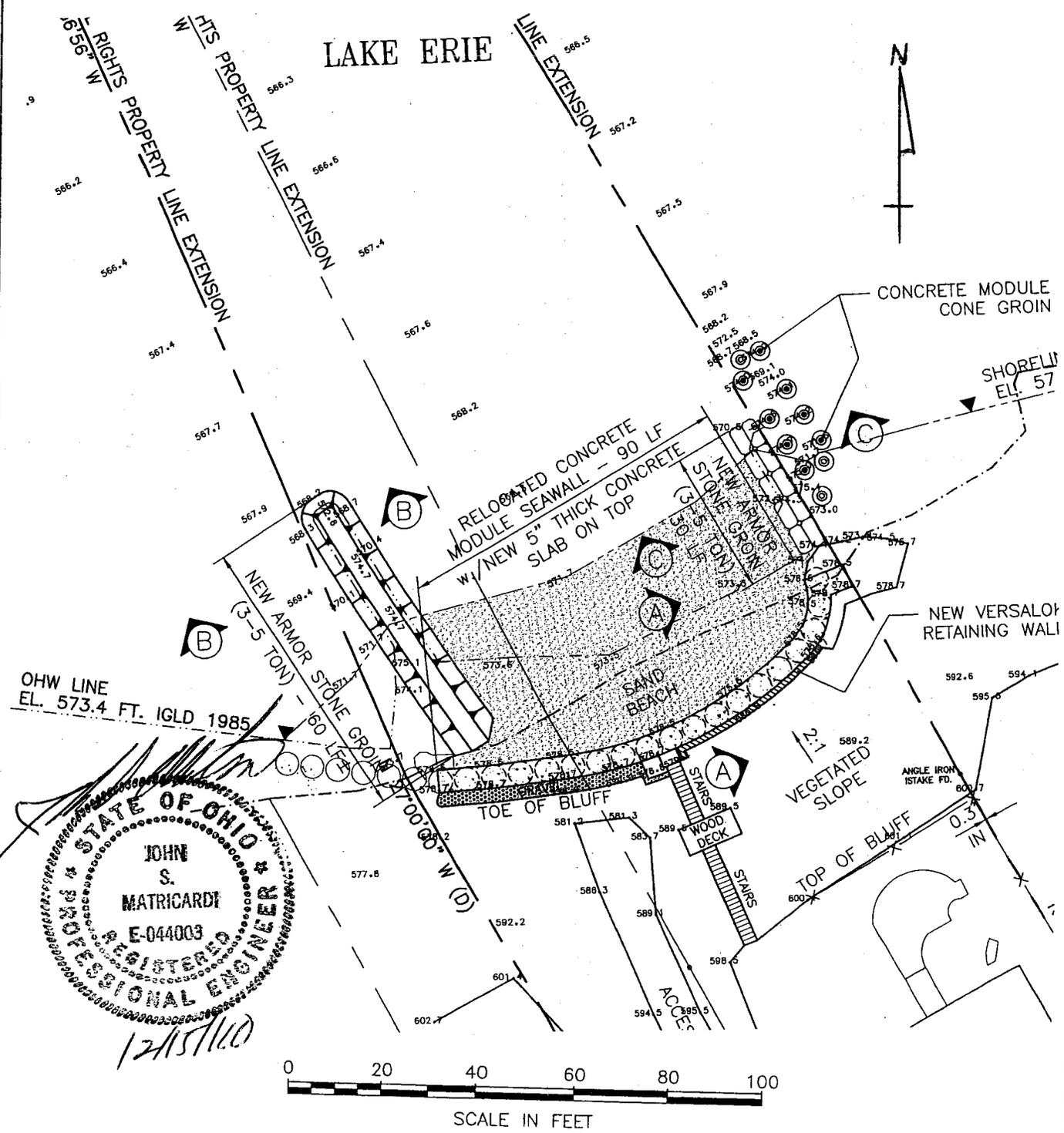


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Defilippo, Robert
 D/A Processing No. 2010-00264
 Lake County, Ohio
 Quad: Madison
 Sheet 5 of 8



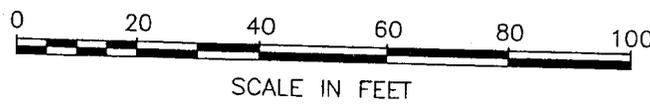
LAKE ERIE



OHW LINE
 EL. 573.4 FT. IGLD 1985

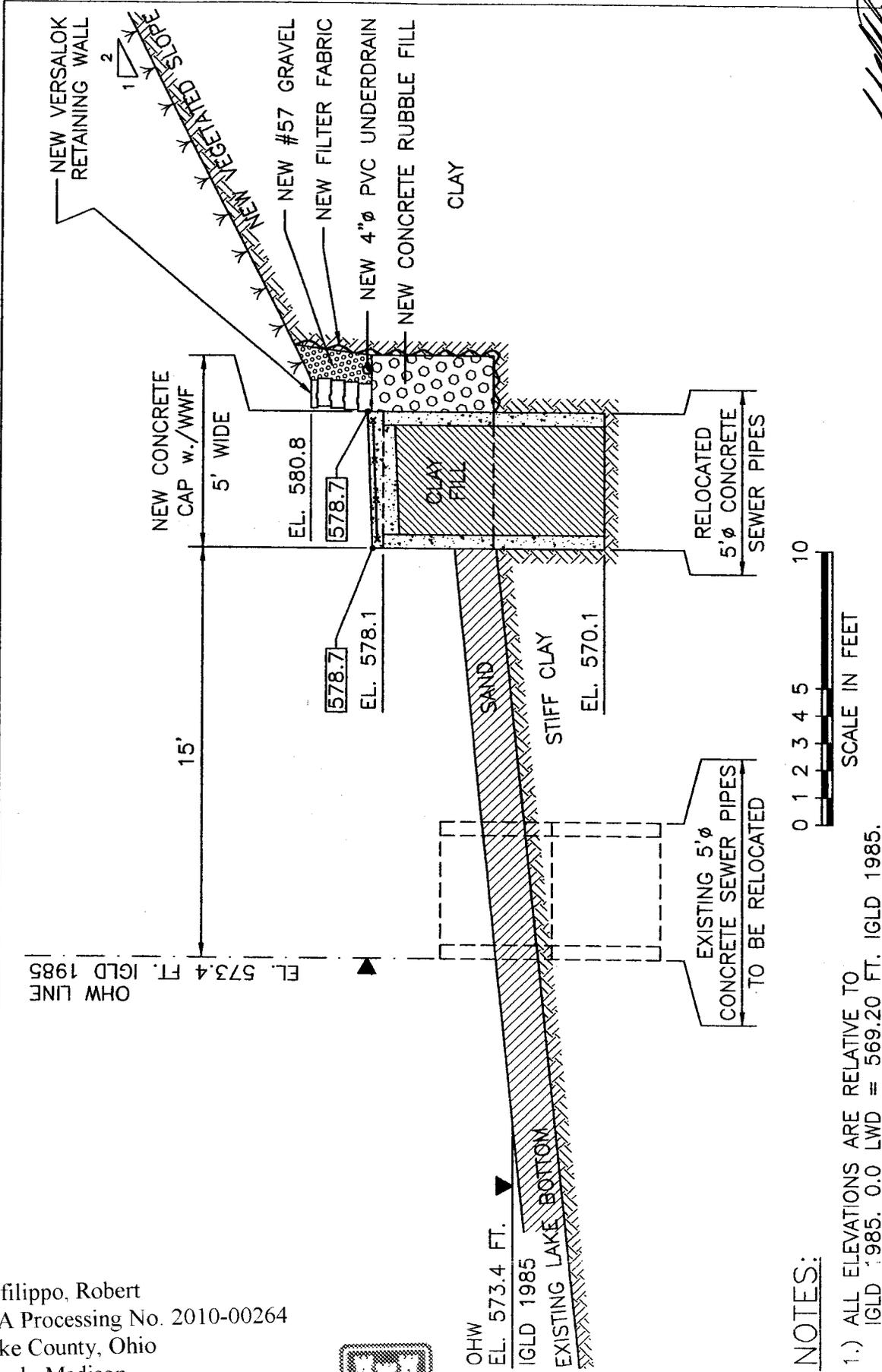
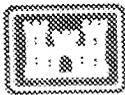
STATE OF OHIO
 JOHN S. MATRICARDI
 E-044003
 REGISTERED PROFESSIONAL ENGINEER

12/15/10



DATUM: 0.0 L.W.D. = 569.2 FT. IGLD 1985	SITE PLAN	PREPARED BY: MATRIX ENGINEERING, INC.
ADJACENT PROPERTY OWNERS: 1.) ROGER A. SINES 2.) KENNETH L. & KATE BOURDEAU	ROBERT C. & MARIBETH M. DeFILIPPO 1846 MADISON DRIVE MOON, PA 15108	SHORELINE IMPROVEMENTS AT 5855 SHORE DRIVE MADISON, OHIO SHEET 3A OF 6 REVISION DATE 12-14-10

Defilippo, Robert
 D/A Processing No. 2010-00264
 Lake County, Ohio
 Quad: Madison
 Sheet 6 of 8



NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.

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- 2.) KENNETH L. & KATE BOURDEAU

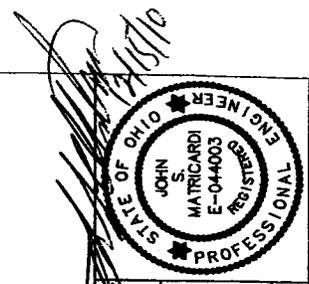
SECTION A-A

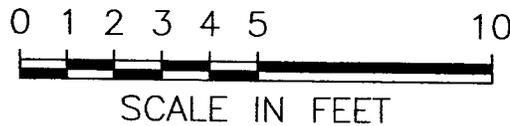
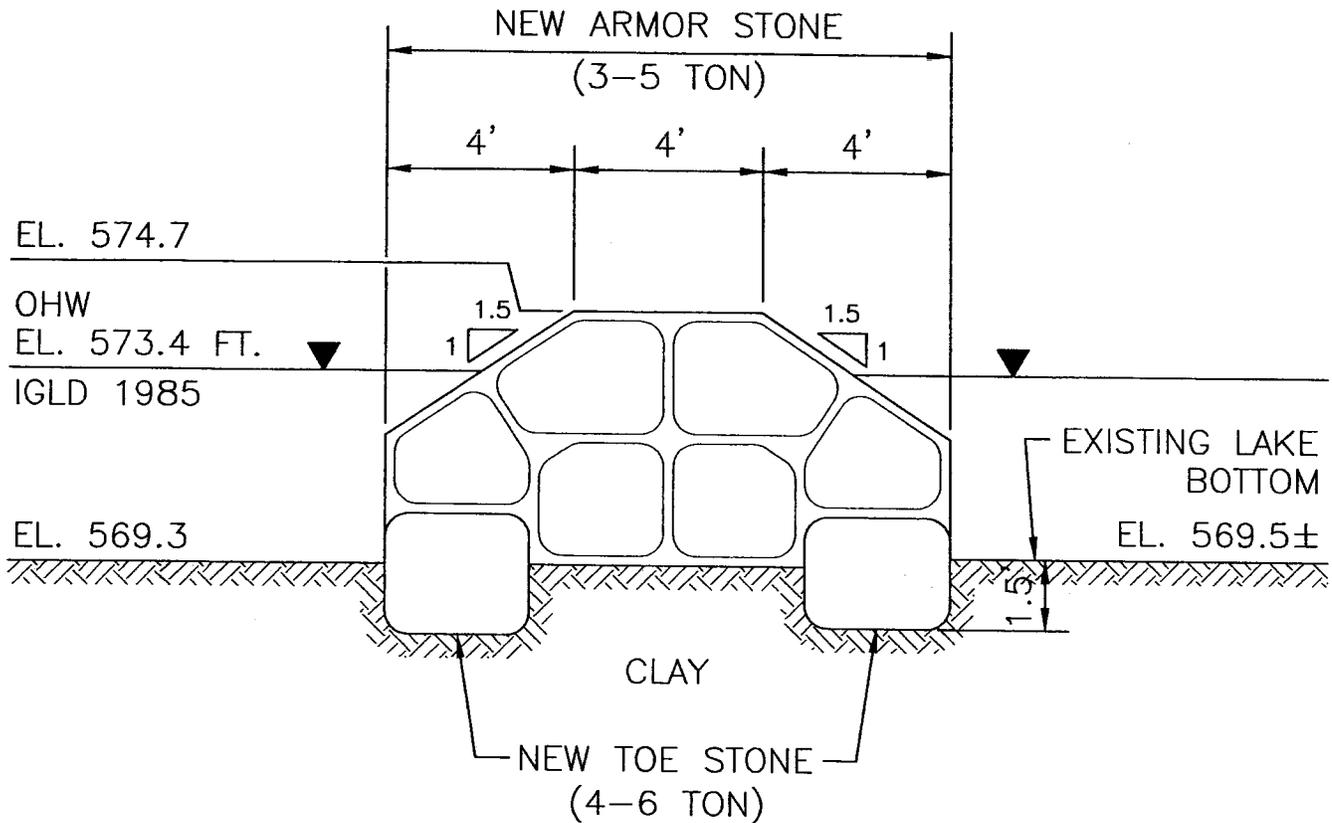
ROBERT C. &
 MARIBETH M. DeFILIPPO
 1848 MADISON DRIVE
 MOON, PA 15108

MATRIX ENGINEERING INC

SHORELINE IMPROVEMENTS AT
 5855 SHORE DRIVE
 MADISON, OHIO

SHEET 4 OF 6 12-14-10





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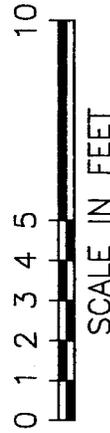
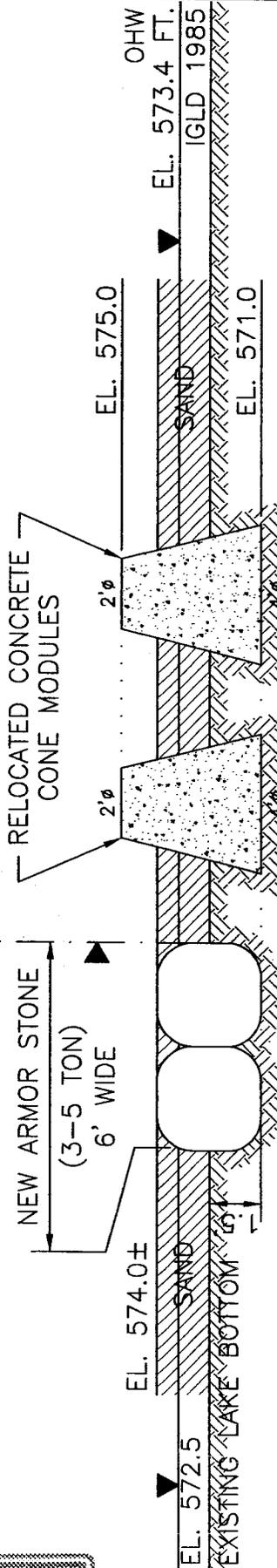
- 1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 L.W.D. = 569.20 FT. IGLD 1985.



DATUM: 0.0 L.W.D. = 569.2 FT. IGLD 1985	SECTION B-B	PREPARED BY: MATRIX ENGINEERING, INC.
<small>ADJACENT PROPERTY OWNERS:</small> 1.) ROGER A. SINES 2.) KENNETH L. & KATE BOURDEAU	ROBERT C. & MARIBETH M. DeFILIPPO 1846 MADISON DRIVE MOON, PA 15108	SHORELINE IMPROVEMENTS AT 5855 SHORE DRIVE MADISON, OHIO SHEET 5 OF 6 DATE: 12-14-10



LITTORAL RIGHTS PROPERTY
 LINE EXTENSION



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DATUM: 0.0 L.W.D. = 569.2 FT. IGLD 1985	SECTION C-C	PREPARED BY MATRIX ENGINEERING INC.
1.) ROGER A. SINES	ROBERT C. & MARIBETH M. DEFILIPPO 1848 MADISON DRIVE MOON, PA 15108	SHORELINE IMPROVEMENTS AT 5855 SHORE DRIVE MADISON, OHIO
2.) KENNETH L. & KATE BOURDEAU		SHEET 6 OF 6 12-14-10

